

**DETAILED ACTION**

***PROSECUTION HISTORY SUMMARY***

Claims 18, 20-24, 32-33, 35-50 were pending per Applicant's Amendment filed 11/13/2007.

Claims 35-44 are hereby canceled as set forth below.

Claims 51-58 are added by Examiner Amendment.

Claims 18, 20-24, 32-33, and 45-58 are hereby allowed.

***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Piper and Brian Genco on January 22, 2008.

The application has been amended as follows:

**In the Title**

The title has been amended to read as follows:

- -Electronic marketplace system and method for selling web services--

**In the Claims**

1-17. (Canceled)

18. (Currently Amended) A method for selling web services based on a quality of service, the method comprising:

receiving, by at least one customer, a first set of offers from a plurality of providers for web services based on a quality of service for each of the web services, wherein the customer receives from at least one of the plurality of providers offers for one or more of the web services with multiple combinations of criteria including the quality of service;

obtaining, by the at least one customer, at least one of the web services having the quality of service for the at least one of the web services from a first of the providers;

using, by the at least one customer, the at least one of the web services through transactions with a proxy in accordance with a configuration, wherein the proxy communicates the transactions between the customer and the first of the providers and records information on the transactions corresponding to the quality of service for the at least one of the web services;

receiving, by the at least one customer, a second set of offers from a plurality of providers for web services based on the quality of service for each of the web services;

in response to the second set of offers, obtaining, by the at least one customer, the at least one of the web services from a second of the providers without change to the configuration; and

subsequent to obtaining the at least one of the web services from the second of the providers, using, by the at least one customer, the at least one of the web services through transactions with the proxy in accordance with the configuration, wherein the proxy communicates the transactions between the customer and the second of the providers instead of communicating the transactions between the customer and the first of the providers.

19. (Canceled)

20. (Previously Presented) The method of Claim 18, wherein a first of the multiple combinations of criteria includes a first price based on a first quality of service of the one or more web services and a second of the multiple combinations of criteria includes a second price based on a second quality of service of the one or more web services.

21. (Previously Presented) The method of Claim 18, wherein at least one web service is offered by one of the providers at an undetermined quality of service.

22. (Previously Presented) The method of Claim 18, further comprising:

receiving, by the customer, a license agreement related to the use by the customer of the web service obtained from the provider.

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23. (Original) The method of Claim 18, wherein the web services are further defined as based on a Web Services standard.

24. (Original) The method of Claim 18, wherein the web services are further defined as reusable components operable for providing a service via the Internet.

25-31. (Canceled)

32. (Previously Presented) The method of claim 18, further comprising:

paying, by the at least one customer, the first of the providers for the at least one of the web services.

33. (Previously Presented) The method of claim 32, wherein the payment corresponds with the information recorded on the proxy.

34-44. (Canceled)

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45. (Currently Amended) ~~A web services~~ An electronic marketplace system for selling web services, comprising:

an executable offering component stored on at least one computer and configured to identify a first set of offerings of a web service provided by a plurality of web services providers;

a customer computer in communication with the offering component configured to receive the first set of offerings and to obtain the web service from one of the a first web service provider[[s]] in accordance with one ~~of the~~ offering[[s]] of the first set of offerings; and

[[a]] an executable proxy stored on at least one computer and configured to receive requests from the customer computer and pass the requests to the ~~one of the first~~ web service provider[[s]] and further configured to receive replies from the ~~one of the first~~ web service provider[[s]] and pass the replies to the customer computer,

wherein the customer computer is further configured to:

use[[s]] the web service with the ~~one of the first~~ web service provider[[s]] by

sending the requests and receiving the replies with the proxy in

accordance with a configuration[[,]]; and

receive a second set of offerings of the web service provided by a plurality of web

service providers and obtain the web service from a second web service

provider in accordance with one offering of the second set of offerings

without change to the configuration.

wherein upon the customer computer obtaining the web service from ~~another of the second~~ web service provider[[s]], the proxy is reconfigured to pass the requests to the ~~other of~~

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~~the second~~ web service provider[[s]] and receive replies from the ~~other of the second~~ web service provider[[s]], and

wherein the customer computer is configured to use[[s]] the web service with the ~~other of the second~~ web service provider[[s]] by sending the requests and receiving the replies with the proxy in accordance with the configuration upon reconfiguration of the proxy.

46. (Previously Presented) The web services marketplace of claim 45, wherein each of the plurality of web services providers provides a different offering for the web service.

47. (Previously Presented) The web services marketplace of claim 45, wherein one of the plurality of web services providers simultaneously provides multiple different offerings for the web service.

48. (Previously Presented) The web services marketplace of claim 45, wherein each of the offerings includes one or more criteria selected from the group comprising price, quality of service, and quantity.

49. (Previously Presented) The web services marketplace of claim 45, wherein the proxy records information on the requests and the replies passing through the proxy to use the web service.

50. (Previously Presented) The web services marketplace of claim 49, further comprising:  
a financial component configured to provide compensation to the one of the web service providers or the other of the web service providers based on the information recorded on the proxy.

51. (New) The method of claim 18, wherein the second set of offers includes at least one offer from the first set of offers.

52. (New) The method of claim 18, wherein obtaining, by the at least one customer, the at least one of the web services further includes purchasing the at least one of the web services.

53. (New) The method of claim 52, wherein the at least one of the web services is purchased from an offering component in communication with the proxy.

54. (New) The method of claim 18, wherein obtaining, by the at least one customer, the at least one of the web services further includes winning an auction for the at least one of the web services.

55. (New) The method of claim 54, wherein the at least one of the web services is auctioned by an auctioning component in communication with the proxy.



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56. (New) The method of claim 18, wherein the at least one of the web services is obtained from the first of the providers by winning an auction and the at least one of the web services is obtained from the second of the providers by winning a subsequent auction.

57. (New) The method of claim 18, wherein the at least one of the web services is obtained from the first of the providers by purchasing the at least one of the web services and the at least one of the web services is obtained from the second of the providers by purchasing the at least one of the web services.

58. (New) The system of claim 45, wherein the second set of offerings includes at least one offer from the first set of offerings.

***ALLOWABLE SUBJECT MATTER***

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art.

The most felicitous prior art made of record are Pallister (US 20030195813) and Zang (US 20040220910). Pallister teaches a system and method for selling web services based on the quality of service (see at least: abstract, Fig. 1). More specifically, Pallister offers web services based on a quality of service of the web service from a plurality of providers (see at least: abstract, 0028, Fig. 1-3, claim 16). Pallister further provides multiple offerings with regards to the web service by performing multiple iterations in order to obtain a second round of bids from the service providers. In other words, the user receives multiple offers with a differing combination of criteria, the first and second bids from the providers constituting multiple offerings by the providers. With regards to claim 18, Pallister, however, does not expressly teach using the at least one of the web services through transaction with a proxy, and further fails to teach in response to the second set of offers, obtaining, by the at least one customer, the at least one of the web services from a second of the providers without change to the configuration.

In the same field of endeavor, Zang teaches a method and system utilizing various agents for the selection of web services from a UDDI database (see at least: abstract, 0170). Zang also teaches the use of a web service invoker and web service logging/caching database, which act as a proxy to invoke web services for a client and retrieve data from the logging/caching database

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regarding the estimated quality (see at least: 0170, Fig. 5). Though Zang helps to remedy the deficiencies regarding the use of a proxy, Zang does not teach obtaining, for a second time, the web service from a second provider in response to a second set of offers and without change to the configuration associated with the web service.

In summary regarding claim 18, neither Pallister, Zang, or the combination thereof teaches, suggests, or renders obvious the aspect of initially obtaining a web service in response to a first set of offers, using the web service in accordance with a specific configuration through a proxy, and at a later time obtaining that same web service from a second provider in response to a second set of offers without change to the configuration as required by the claims.

Similarly with regards to claim 45, the prior art made of record fails to teach or render obvious wherein the customer computer is further configured to (a) receive a second set of offerings of the web service provided by a plurality of web service providers and obtain the web service from a second web service provider in accordance with one offering of the second set of offerings without change to the configuration, and (b) use the web service with the second web service provider upon reconfiguration of the proxy.

Lastly, regarding newly cited patent publication US 20050091364 to Bantz, Bantz teaches a switching between service providers of web services. More specifically, Bantz discloses where a switching agent facilitates changing from a first to a second service provider (see at least: abstract). The switching of providers in Bantz, however, is based on some objective criteria such as an email provider filtering SPAM better, a communication provider using greater bandwidth, or the like (see at least: 0022, 0025, 0027-0028). In other words, the switching in Bantz is not done so in response to a second set of offers, and furthermore is completed by a

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switching provider for a fee in such a manner as to remain transparent to the user with the user notified at a later time. Thereby, Bantz does not remedy the deficiencies as noted above.

Moreover, none of the evidence at hand teaches or suggests the combination of features claimed, nor does there exist an appropriate rationale for further modification of the evidence at hand.

It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all of the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***EXAMINER'S COMMENTS***

Claims 35-44 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 35 is directed to a method for obtaining web services through a web service marketplace, and specifically recites the auctioning of a web service offered by a first web service provider and a second web service provider. The claim further requires where the web service is used directly through transactions with the first web service provider as opposed to the use of the web service through transactions with a proxy as recited in claims 18 and 45. The combination of element, then, creates a different scope from the originally presented invention and is patentably distinct from the original invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Thereby, in view of the Examiner Amendment below authorized by Brian Genco and Michael Piper on January 22, 2008, claims 35-44 have been cancelled.

***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. ALLEN whose telephone number is (571)272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J Allen/  
Examiner, Art Unit 3625

/Matthew S Gart/

Primary Examiner, Art Unit 3625